

### **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment after Final are respectfully requested. Applicant submits that this Amendment places the application in condition for allowance or, alternatively, in better form for appeal. In view of the amendments and following remarks, favorable consideration and allowance of the application is respectfully requested.

Applicant has amended independent claim 17 to require that the stent be rotated about its longitudinal axis. Support for this amendment may be found in the depiction in Figure 4 and the description thereof in the specification. It is believed that this amendment moots the grounds of rejection set forth by the Examiner as discussed in more detail below, and places all the claims in condition for allowance..

#### **35 U.S.C. §103 Rejections**

Claims 17-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ding et al. (6,284,305) or Hossainy (US Patent 6,555,157).

In order to establish a prima facie case of obviousness, three basic criteria must be met, according to the Manual of Patent Examining Procedure, §706.02(j). These three are repeated as follows. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference(s) or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references) must teach or suggest all the claim limitations. Applicant submits that none of the above criteria have been met and that the Examiner has not established a prima facie case of obviousness for rejecting the claims.

Ding teaches that a stent can be coated by dipping or spraying. In the case of spraying, Ding teaches rotation of the stent on a mandrel while being sprayed using a reciprocating airbrush device. Ding is silent about rotating while dipping. Rotation of a stent merely while immersed in a coating solution will not have any particular effect on the nature of the coating, as all surfaces of the stent are exposed to the coating solution, with or without rotation. Applicant's claims, however, require rotation of the stent while the stent is being immersed and withdrawn. It is the rotation during withdrawal that

allows for the removal of excess coating solution and the even distribution of the coating material on the stent. This is not suggested by Ding, nor is the teaching of Ding regarding spray coating relevant inasmuch as spraying does not involve immersion of the stent in the coating medium.

Hossainy teaches achieving desired uniform coating of stents by centrifuging stents that have been either dip-coated or spray-coated. For example, in the case of dip-coating, the "wet" stent is withdrawn from the coating medium, placed in a centrifuge and spun around the axis 106 of the centrifuge (see Figure 1), not around the longitudinal axis of the stent as required by the claims as currently amended. Additionally, the stent is not rotated while being withdrawn from the coating medium as required by the claims, but is rotated, albeit around the centrifuge axis, after withdrawal from the coating medium.

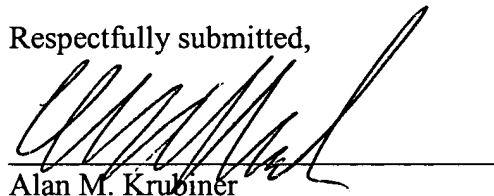
Accordingly, Applicant submits that neither Ding nor Hossainy teach or suggest Applicant's claimed invention, which requires simultaneous rotation of the stent around its longitudinal axis while being immersed in and withdrawn from the coating liquid.. The Examiner is respectfully requested to withdraw this ground of rejection.

Claims 17-28 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Hossainy '157, in view of Ding et al. '305. Applicant respectfully traverses this ground of rejection. As mentioned above with respect to the two references cited, Ding et al., which is primarily directed at coating with an undercoat and a topcoat, teaches rotation of a stent only during a spraying, not a dipping, process. Hossainy teaches centrifuging an already wet-coated stent (rotation about a central axis of the centrifuge, not a longitudinal axis of the stent as required by the currently amended claims). Therefore, even taking these two references together, one would not arrive at Applicant's invention. Furthermore, there would be no motivation on the part of the skilled practitioner to combine the teachings of these references as they are directed at different problems in the coating art. Applicant maintains that, in view of the above, the present invention is unobvious over Ding et al. in view of Hossainy. The Examiner is respectfully requested to withdraw this ground of rejection.

**Conclusion**

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alan M. Krubiner', is written over a horizontal line.

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